

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREEMAN ALLAN FELDER,

Petitioner,

v.

BRYAN D. PHILLIPS,

Respondent.

No. 2:23-cv-00895-DJC-JDP (HC)

ORDER

Petitioner, proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 13, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 13, 2023, are adopted in full;
2. The petition, ECF No. 1, is DISMISSED for failure to exhaust administrative

1 remedies;

2 3. The Court declines to issue the certificate of appealability referenced in 28
3 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a
4 constitutional right, see 28 U.S.C. § 2253(c)(2); and

5 4. The Clerk of Court is directed to close this case and to enter judgment
6 accordingly.

7
8 IT IS SO ORDERED.

9 Dated: September 4, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE